IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 955 (S/S) of 2007

1. Mohan Chandra Pandey S/o Shri K.N. Pandey
   R/o Mohalla- Tunera, P.O. Almora, District Almora
2. Narendra Nath Singh S/o Mohan Singh Kumaiyan
   R/o New Indira Colony, Khatyari, P.O. Almora
   District Almora

------ Petitioners

Versus

1. State of Uttarakhand through Secretary Education, Uttarakhand, Dehradun
2. Additional Director, State Council of Education Research and Training (S.C.E.R.T.), Uttarakhand, Narendranagar, District Tehri Garhwal
3. Principal District Institute of Education and Training (D.I.E.T.), District Almora

------ Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri S.N. Babulkar, learned Senior counsel assisted by Sri Yogesh Pacholia, learned counsel for the petitioners and Sri Paresh Tripathi, learned Brief Holder for State of Uttarakhand for the respondents.

By means of this writ petition, the petitioners have prayed for the following reliefs:

1. Issue a writ, rule, order or direction in the nature of mandamus commanding and directing the respondents to provide admission to the petitioners for Special BTC training. and also direct the respondents include the name of petitioners for Special BTC Training.

2. Issue any writ, rule, order or direction, or direction, which this Hon'ble Court may deem fit and proper under the circumstances of the case.

3. Award cost to the petitioners.

The submission of the learned counsel for the petitioners is that the petitioners' names were already shown in the selected list published on the website of the DIET, and having obtained 60.99 and 60.95 marks, they have not been selected for Special B.T.C. Training, whereas the persons obtained less quality point marks than the petitioners have been selected.

Learned counsel for the respondents has submitted that the list which has been produced by the petitioners along with the supplementary affidavit is not in fact a merit list, but it is a registration list and in the selection list issued by the DIET, which is Annexure No. 1 to the writ petition, the petitioners are not selected.

Learned counsel for the petitioners has submitted that perhaps the candidature of the petitioners has not been considered by the respondents on the ground that the mark sheet submitted by the petitioners along with the applications was issued after the publication of advertisement by which the applications have been invited for Special B.T.C. Training Course.

Learned counsel for the parties have submitted that the controversy raised in the present writ petition has already been settled by this Court in Writ Petition No. 943 (S/S) of 2007, (Sanjay Singh & Ors. Vs. State of Uttarakhand & Ors.), therefore, the

present writ petition may also be decided on the same terms and conditions of the aforesaid judgment.

In view of the above statement, I direct the petitioners to make representation before the appropriate authority and if the allegations made by the petitioners in their representation are correct, as directed by this Court in the case Sanjay Singh & Ors. Vs. State of Uttarakhand & Ors., the appropriate authority may pass orders on the representation of the petitioners, keeping in view the observations made in the body of the judgment in the case of Sanjay Singh & Ors. Vs. State of Uttarakhand & Ors., within a period of ten days from the date of production of a certified copy of this order along with the representation, if any, moved by the petitioners before him.

Accordingly, the writ petition is disposed of on the same terms and observations made by this Court vide judgment and order dated 06.08.2007 in Writ Petition No. 943 (S/S) of 2007, (Sanjay Singh & Ors. Vs. State of Uttarakhand & Ors.). All the pending applications stand disposed of.

(M.M. Ghildiyal, J.)

06.08.2007
VKS